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LAW ENFORCEMENT NEWS

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The wisdom of Solomon . . .

New Philly chief to open up the force

Morton Solomon, a 30-year veteran of the Philadelphia Police Department, has been selected as the city's new police commissioner, ending months of speculation over whether the beleaguered force would be put in the hands of an outsider.

In appointing the 55-year-old policeman as head of the 8,500-member force, newly installed Philadelphia Mayor William J. Green ended the 8-year, 11-month tenure of Commissioner Joseph F. O'Neill, whose term was rocked by charges of systemic police brutality.

Prior to Solomon's taking over the commissioner's seat on January 7, O'Neill had announced his intentions to remain with the force, reverting to his former rank of chief inspector. But in an interview with Law Enforcement News, Solomon said that the former commissioner changed his mind and had retired from the department.

One of the complaints that had been leveled against O'Neill's command was that the department was not responsive enough to the community. Solomon indicated that this would not be the case with

his administration, declaring that he intends to have close ties with the Philadelphia citizenry.

"No police department can survive without being close to the community," he said. "We plan a much better press relationship. I've already talked with some of the press, and I'm going to talk to more of them."

The new commissioner noted that he will be well served by his 30 years on the force, the last nine of which were spent as deputy commissioner in charge of the Division. "I know all about the Philadelphia Police Department; I know a lot of the men, and I know the mores of the community," he stated.

Critics of O'Neill had charged that the former commissioner was restricted in his command by interference from Mayor Frank L. Rizzo. Solomon indicated that he would have no such problem with his boss.

"I spoke to Managing Director Good, who's my immediate superior, and I talked to Mayor Green, and both assured me that they'll give me a freehand and give me all

the advice I need from them," he observed.

The veteran lawman has "already embarked on a move to alter the face of the force. 'I'm looking into some reorganization in policy,' he said. We already made one limited reorganization, and there will be more. I've changed some of the structure of the department."

Commenting on his management team, Solomon suggested that he is limited in reshuffling the upper echelons of the force, since there are only four non-civil service positions within the department. He added, however, that he did fill the two second-in-command spots with his choices, naming Bill Devlin and Don Gravatt as deputy commissioners. "They're both career policemen in the Philadelphia Police Department," the chief said.

In regard to the process by which he
Continued on Page 6

OJARS set to roll, as Carter signs authorization bill

The creation of the Federal government's Office of Justice Assistance, Research and Statistics (OJARS) became a reality late last month, when President Carter signed into law the Justice System Improvement Act of 1979.

Under the law, OJARS will serve as a type of limited umbrella agency over LEAA, and the newly created National Institute of Justice and Bureau of Justice Statistics. OJARS is authorized to provide staff support to the other three agencies and to resolve differences that may crop up in the revised Federal funding and research effort.

Law Enforcement News has obtained the report issued by the joint House/Senate conference committee which hammered out the final version of the act. Excerpts of the document appear on pages seven through ten.

Chicago chief's job again up for grabs, as Joe D. pulls out of race

In a surprising about-face, Acting Superintendent Joseph DiLeonardi of the Chicago Police Department, has taken himself out of the running for the permanent superintendent's post, citing personal considerations as the reason for turning his back on one of the plum positions in American law enforcement.

Only last month, the 24-year CPD veteran had indicated to reporters that he was actively pursuing the superintendent's seat. "Am I going to get this job? I'm

optimistic," he said. "The mayor's been extremely supportive of every move I make. She said: 'You're running the police department,' and I admire her for that."

DiLeonardi has been running the Chicago force since last spring when Mayor Jane Byrne forced the resignation of Superintendent James E. O'Grady, first assigning Samuel Nolan as acting chief, then placing DiLeonardi in the temporary leadership role.

Apparently, eight months of managing one of the nation's largest police forces was enough for the 47-year-old lawman, who reportedly will remain as acting superintendent until a permanent successor is selected by the mayor and the Chicago Police Board.

DiLeonardi seemed to be Byrne's number one candidate for the permanent position. Bob Saigh, the mayor's press secretary, told Law Enforcement News that Byrne had asked the veteran policeman to reconsider his position on the superintendent's race. "He did so, but he said yesterday (January 7) that his decision was final, that he was withdrawing," the press aide noted.

Saigh observed that DiLeonardi had cited "personal reasons" in announcing his withdrawal: "He decided that the heavy demands of the job were infringing on

Continued on Page 6

That's Officer Dummy to you!



Police Chief George R. Yetman of Dover Township, New Jersey recently swore in his department's newest recruit, a 3-foot, 20-pound dummy. Now known as Officer Timothy, the pint-size patrolman and his friend, professional ventriloquist Marie McLaughlin, regularly present safety courses to children in the township. Although Timothy is currently on a two-month leave, Patrolman Michael G. Mastronardy noted that the department has big plans for the little man's services this spring. "We're going to be doing stuff on bicycle safety, swimming safety, school bus crossings and stuff like that," Mastronardy said. "A whole gamut of things that pertain to young people."



Joseph DiLeonardi

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EVIDENCE TECHNICIAN PROGRAM MANUAL

By Joseph L. Peterson
and James H. Jones

The utilization of scientific methods for the examination of physical evidence recovered in the course of criminal investigations has become a critically important function of the nation's law enforcement agencies. This manual examines the role of police officers and civilians charged with the responsibility of searching crime scenes for physical evidence and returning it to the forensic laboratory for analysis. These individuals, often referred to as evidence or crime scene technicians, are on the staffs of most urban police departments today. Many agencies now train evidence technicians to be specialists who devote their total professional attention to the search for physical evidence. Through specialization, it can be expected that crime scenes will be searched with less delay and greater expertise than in situations where patrol, detective or crime laboratory personnel have shared responsibility for recovering the evidence.

Five important aspects of developing an effective evidence technician program are discussed in this manual. The key element is the selection and training of competent personnel who will become evidence technicians. Next in importance are tools, kits and vehicles which are used by the technician in processing crime scenes. Also discussed is the need for a strong organizational commitment to the crime scene search function, the implementation of actual field operations, and finally, means for evaluating an evidence technician operation. Guidelines for developing meaningful program objectives and appropriate criteria for measuring progress toward those objectives are presented.

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NewsBriefs . . . NewsBriefs . . . NewsBriefs . . .

Is a gun seller a gun dealer? ATF officials want to know

In an effort to resolve an ongoing dispute over the meaning of the term "firearms dealer" in Federal gun regulations, the Bureau of Alcohol, Tobacco and Firearms has invited public comment on the question of what constitutes dealing in firearms.

"Under the Gun Control Act of 1968, the bureau is charged with issuing firearms dealer licenses, and enforcing the firearms laws," ATF officials noted. "But because the law is not precise, there have been complaints that arrests for dealing in firearms and ammunition without a license have not been consistent."

Specifically, the dispute concerns the phrase "engaged in business" as it relates to gun-sale transactions under the law. Courts have ruled that the words are not subject to a rigid definition, but must be judged on the facts of each case.

One guideline that has been used in defining the phrase in the judicial setting is that it generally involves more than an occasional sale and more than one act. However, some courts have held that a single sale could be interpreted as dealing if the person is found to be ready, willing and able to obtain guns for future sales.

Another qualification that has been applied by some courts centers on whether firearms dealing occupies the time, attention and labor of the defendant for the purpose of livelihood or profit.

The matter may have a bearing on ATF's ability to trace stolen firearms and guns used in crime. One of the purposes of licensing is to provide a written record of all transactions performed by those in the business.

"It is not illegal for citizens to buy and sell their personal firearms intrastate without a license," officials noted, "but the quantity, frequency and profit motive for such sales have created the definition problem."

Suggestions on how the ATF can best solve its definition dilemma should be addressed to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

Wilmington PD cleared of officer disciplinary bias

The Wilmington, Delaware, Bureau of Police was cleared of charges of racial discrimination last month after a year-long investigation by LEAA's Office of Civil Rights Compliance failed to uncover any instances of bias in the force's disciplinary procedures.

According to an LEAA report on the probe, which was obtained by the Wilmington *Morning News*, Federal investigators concluded that "the evidence of record failed to sustain allegations of racial and national origin discrimination."

The charges had been placed on LEAA's doorstep by James E. Coffield Jr. and the organization he headed, the Delaware Association of Black Police. The patrolman, who joined the force in 1969, had first-hand experience with the department's disciplinary process, having been twice dismissed from the force.

On May 9, 1978, he was discharged in connection with an incident in which he allegedly lied to leave his post, visited the home of a girl friend and broke a window before neighbors called police. He appealed the charges of breach of peace and lying to a superior and was reinstated and placed on

probation on May 24.

He was fired the second time a month later after the black police association put out a newsletter charging that there was "corruption and brutality" in the department, the LEAA report noted. When he refused to respond to questions about the claims, he was charged with disobeying an order and violating his probation.

LEAA investigator Wilbur R. Brantly said in the report that Coffield "was disciplined each year following his appointment, until he was terminated in 1978."

The LEAA probe apparently delved deeply into the Wilmington force's disciplinary records. Among the 212 cases from 1976 to 1978, 58 officers were charged with having accidents with police vehicles, 46 were accused of misconduct, 16 were charged with handling evidence improperly, and 4 were accused of sleeping while on duty. The report said that the officers were disciplined equally, regardless of race.

Electronic bug manufacturer is target of Federal probes

The makers of the portable surveillance system known as the Bionic Briefcase are being eased by the Federal government in connection with the company's international dealings in electronic eavesdropping and bomb detection devices.

As reported last month by the Washington *Post*, the firm, CCS Inc., is the subject of a two-pronged government probe, with both the U.S. Attorney's office in Washington and a Federal grand jury in New York investigating the company's alleged involvement in shipping bugging paraphernalia overseas.

Meanwhile, the New York State Select Committee on Crime has begun examining the firm's ties to the February Winter Olympic Games at Lake Placid. CCS is promoting itself as the "electronics security supplier" for the Games, but Olympic officials have disputed the company's role in that regard.

Although the investigations are still proceeding, the authorities have not hesitated in putting a dent in CCS's inventory

of exotic sniping equipment. A New York official said 40 infrared sniper scopes were among the equipment in CCS crates seized by Federal customs agents at Kennedy International Airport last March, and last month Washington police confiscated about \$100,000 of equipment from the firm.

While the Washington action led to the arrest of a CCS salesman for possession of illegal surveillance devices, officials in New York apparently have larger concerns. They noted that security at the Lake Placid Olympics could be breached by terrorist groups who might have gained access to CCS's stock of sophisticated devices. Iran reportedly had been one of the firm's major clients before that country's recent revolution.

New Narragansett squad cars designed with tourism in mind

The police chief of Narragansett, Rhode Island is attempting to keep his community on the tourist map by putting decals which depict the town's most famous landmark on the doors of his new police cruisers.

Chief James J. Martin recently took delivery of four new patrol cars, three of which were ordered with decals that resemble the shoulder patches worn on police uniforms. "It will show a view of the Towers, looking south from the town beach," Martin told the *Providence Journal* earlier this month. "Since it's a national historic site, it will help to sell the community to tourists."

Discussing his force's transportation needs, Martin noted that one of the new vehicles will remain unmarked for the use of detectives. He added that the department has 11 vehicles, including seven cruisers, one van and three detective cars.

In spite of the promotional decals that were placed on the new cruisers, Martin said that the cars would be more identifiable as police vehicles since they were ordered in the traditional black-and-white color scheme, rather than the usual blue color currently found on local police cars in Rhode Island.

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IACP head calls for data bank on deadly force use

Responding to a recent study which criticized a perceived lack of accurate statistics on police-caused homicides, the president of the International Association of Chiefs of Police has called for the creation of a mandated reporting system on the police use of deadly force and a national data bank to compile the figures.

In announcing his group's intention to study the matter, IACP president Joseph S. Dominelli, the police chief of Rotterdam, New York, blasted a report by Lawrence W. Sherman, who contended that homicides by police are underreported by as much as 50 percent.

Calling Sherman's findings "a gross misrepresentation of the facts," Dominelli noted that statistics on police killings are currently gathered only at the local level, with no national standard of reporting. "Heretofore, police have been guided by coroner's inquests and local statutes with regard to reporting procedures," he said.

The chief stated that IACP has been awarded an LEAA grant to study police-

caused fatalities, with an eye toward developing acceptable guidelines for police use of force. The project will examine such factors as incident experience, policies, rules, and regulations in the nation's 53 largest police agencies.

"Police administrators have traditionally pioneered needed changes in reporting procedures," Dominelli observed. "A national data bank and mandated reporting of police-related deaths will resolve many of the problems confronted in the development of a nationally accepted standard for police use of deadly force."

In a rebuttal to Dominelli's statement, Sherman defended his research on police homicides, while applauding what he described as the chief's "courageous, statesmanlike call" for a national data bank on the police use of deadly force.

"Mandating national-level reporting of instances of police use of deadly force means that communities will be better able to evaluate the performance of their police departments," the researcher noted. "The

fact that some police departments use deadly force at a substantially higher rate than others, for whatever reasons, is something both the police and the public should know."

While praising Dominelli for supporting such a proposal, Sherman, who now heads the Police Foundation's research division, implied that the chief may have misinterpreted his research findings. "Indeed, while my article, to which Chief Dominelli goes a great deal further by calling for a national data bank for 'mandating reporting on police use of deadly force,'" Sherman said.

Sherman stuck by his figures, which indicated that the current system for tallying the number of persons killed by police each year could underestimate the real total by 50 percent or more. His study compared vital statistics numbers, which were based on death certificates filed by coroners and medical examiners, to figures supplied by police departments in 32 cities.

According to the report, which was published in the Winter 1979 issue of the

Journal of Criminal Law and Criminology, the police department figures averaged about twice the number produced by the death-certificate count.

Sherman's study concluded that little could be done to improve the system for measuring homicide by police officers because it is based on voluntary reporting through the FBI's Uniform Crime Reports and the government's vital statistics.

"While Chief Dominelli may have doubts about a conclusion of my research, what is important about his statement, issued through IACP, is that he is calling for mandatory reporting, rather than the current system of voluntary reporting," Sherman noted. "This is truly an important step for a national organization to take."

Federal judge sets new pace on police race

A Federal judge in Pittsburgh gave a new twist to police affirmative action considerations earlier this month, ruling that he does not consider the term Hispanic to be a racial designation.

The ruling, by Chief Judge Gerald Weber, served to temporarily block Pittsburgh from preferentially promoting a policeman of Mexican descent as part of a court-ordered racial quota system.

According to the Associated Press, Weber's temporary restraining order put a damper on the promotion to sergeant of Edward Villalpando, a 14-year veteran of the force, whose race was listed in court-room testimony as Hispanic.

"That's not a race. I don't accept that answer," the judge told a city Civil Service Commission official. "The whole thing is somewhat comedic and somewhat contemptuous on the part of the city . . . there is a difference between nationality and race."

The action stemmed from an October ruling by Weber which ordered the city to include one black for every five whites promoted to the ranks of sergeant and lieutenant. In an earlier civil rights suit, the judge had ruled that blacks must be hired on a one-to-one ratio with whites.

To meet the court's promotion quota, Mayor Richard Caliguiri last month upgraded 53 officers, including eight black males, to sergeant and lieutenant. The promotions to those ranks were the first since 1970 in the 1,400-member force.

Villalpando had been scheduled to be included in the mass promotion ceremonies, but the state Justice Department went to Weber to put a halt to the officer's inclusion. The city's Civil Service Commission had certified that Villalpando was Hispanic after he had submitted proof that his father was Mexican.

"The lawsuit was begun by blacks," Weber told the Associated Press in explaining his decision. "There were never any allegations or evidence presented that people of his background were discriminated against in the Pittsburgh police department."

Although the quota system ordered in October did not include women because no females had passed promotion tests, the court did order police Superintendent Robert Coll to use managerial discretion and give women first preference when he moves police officers to detective posts.

Watchdogs' bite or citizens' ire?

Atlanta police plans get a red light

Movement is underway in Atlanta to shake the metropolis's high-crime image, including a plan that would combine the city's police department with the local county force, and a proposal that calls for placing a watchdog panel over the troubled Atlanta Police Bureau.

As reported earlier this month by the *Atlanta Constitution*, the consolidation strategy is the brainchild of State Representative Greg Pilewicz, who sent over 20,000 questionnaires to registered voters in Fulton County, asking if they would object to a combined city/county police force.

Of the 4,162 respondents, about 54.8 percent of the city residents favored a unified rural/metropolitan department, Pilewicz said, while a majority of non-Atlanta respondents noted that they do not desire a combined police force.

Analyzing his findings, the legislator noted that the figures indicate that people who live outside the metropolis "don't want any part of the city of Atlanta and its problems."

The second proposal, which urges the creation of a five-member commission to oversee the Atlanta Police Bureau, was presented by the city's bar association last month, and has since been roundly attacked by Mayor Maynard Jackson.

Arguing that the plan would intensify political maneuvering within the force, Jackson described the formation of a watchdog group as "negative, unnecessary, contrary to the best interests of the city of Atlanta and potentially illegal."

Under the proposal, the panel would be entrusted with the authority to hire and fire the city's chief of police. Four of the five commission members would be picked

by the mayor from a list provided by a 10-member special committee. Six members of the special committee would be selected by the heads of various civic groups, two would be appointed by the mayor and two would be picked by the City Council.

Membership on the actual watchdog commission would be voluntary, with the only paid member being the city's public safety commissioner. The watchdogs would serve four-year terms, and the mayor would retain the authority to select a public safety commissioner with City Council approval.

In a four-page letter to bar association president Neal Batson, Jackson stated that the proposed commission would not have the accountability to the public that Public Safety Commissioner Lee P. Brown cur-

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You're under arrest, almost . . .

US prosecutors write their own tickets

United States Attorneys are not being even-handed in deciding the types of cases they will prosecute, according to a Justice Department survey which revealed that most Federal prosecutors build their case-loads on the basis of secret written guidelines that vary widely from one district to the next.

The report, which was publicized by the *New York Times* this month, showed that 83 of the 94 U.S. Attorneys utilize written criteria under which they regularly decline to prosecute certain Federal offenses. For a given crime, one district may prosecute while another's guidelines may determine that the case is not serious enough or does not involve a large enough loss of money to warrant putting further stress on the office's overtaxed resources.

In offering the first documentation on the nationwide variation in Federal prosecution policies, the survey points to the absence of a uniform national direction in a key area of criminal justice. The prosecutorial disparity has surfaced against a background of judicial moves to set uniform sentencing guidelines and a legislative

push to tailor a more streamlined, consistent Federal criminal code.

Despite the ground-breaking nature of the report, Justice Department officials declined to provide the full text or even excerpts of the local guidelines drafted by the various U.S. Attorneys' offices, noting that the documents could be used by criminals as a "roadmap" to reveal where crimes could be committed with the least chance of prosecution.

The report said the guidelines have led to a significant variation in the prosecution of over 30 crimes, including narcotics violations, bank fraud and embezzlement, theft from interstate shipment, illegal aliens, fraud against the government, and forgery of Treasury checks. Presumably, the criteria are written to mirror local needs in each district.

Citing an example of the disparity as it relates to one particular crime, theft from interstate shipment, the survey found that 10 U.S. Attorneys decline to prosecute cases involving loot worth less than \$5,000 and one declines cases involving less than \$2,500, while 11 have a cutoff point of

\$1,000 and 15 use \$500 as the determining figure.

Similarly, two districts regularly refuse bank fraud and embezzlement cases involving less than \$5,000, while the cutoff mark is \$2,500 in five districts and \$1,000 in ten districts.

Outlining jurisdictional policies on other crimes, the report noted that 12 districts decline to prosecute obscenity violations unless they involve children, hard-core pornography or organized crime. One district refuses to prosecute vandalism of Federal property in public housing projects, and another automatically declines credit-card frauds amounting to less than \$2,500.

The monetary cutoff figures assigned to certain crimes can be bypassed, however. The study said that the guidelines are flexible, permitting prosecution in exceptional cases where there was some unusual or aggravating circumstance.

The survey came about as a result of an order from Congress which expressed concern that the U.S. Attorneys were turning

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C-2524	Bay Constable	12.00	C-489	Medical Officer (Departmental)	14.00	C-2520	Senior Drug Abuse Educator	12.00
C-90	Border Patrol Inspector	8.00	C-498	Meter Maid	8.00	C-2073	Senior Fingerprint Technician	10.00
C-1973	Border Patrolman	8.00	C-2503	Narcotics Education Assistant	10.00	C-1987	Senior Identification Officer	10.00
C-111	Bridge & Tunnel Lieutenant	8.00	C-1600	Narcotics Investigator	10.00	C-2512	Senior Identification Specialist	10.00
C-95	Bridge & Tunnel Officer	8.00	C-1378	Narcotics Security Assistant	10.00	C-2119	Senior Institution Safety Officer	10.00
C-2295	Building Guard	8.00	C-2245	Paralegal Aide	8.00	C-1010	Senior Investigator	10.00
C-2260	Campus Security Officer	8.00	C-1688	Park Patrolman	8.00	C-2531	Senior Narcotics Investigator	12.00
C-2261	Campus Security Officer I	8.00	C-572	Parking Enforcement Agent	8.00	C-793	Senior Parking Enforcement Agent	10.00
C-1700	Campus Security Officer II	10.00	C-1063	Parking Meter Attendant	8.00	C-2466	Senior Parole Officer	10.00
C-208	Campus Security Officer Trainee	8.00	C-573	Parking Meter Collector	8.00	C-1020	Senior Police Administrative Aide	10.00
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C-2120	Chief Institution Safety Officer	10.00	C-639	Police Clerk	8.00	C-725	Senior Special Officer	8.00
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C-1591	Chief Special Investigator	12.00	C-1741	Police Officer, Suffolk County Police Dept. (SCPD)	8.00	C-1692	State Policewoman	8.00
C-1203	Commissioner of Correction	10.00	C-595	Police Patrolman	8.00	C-757	State Trooper	8.00
C-1200	Commissioner of Police	10.00	C-596	Police Surgeon	14.00	C-1744	Superintendent of Women's Prisons	12.00
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C-1767	Coordinator of Drug Abuse Education Programs	10.00	C-598	Policewoman	8.00	C-1503	Supervising Court Officer	10.00
C-165	Correction Captain	10.00	C-602	Postal Inspector (USPS)	8.00	C-1666	Supervising Deputy Sheriff	10.00
C-956a	Correction Hospital Officer (Men)	8.00	C-1386	Principal Addiction Specialist	10.00	C-1667	Supervising Housing Sergeant	10.00
C-956b	Correction Hospital Officer (Women)	8.00	C-1791	Principal Investigator	10.00	C-2513	Supervising Identification Specialist	10.00
C-166	Correction Lieutenant	10.00	C-1427	Principal Probation Officer	10.00	C-2106	Supervising Investigator	10.00
C-1219	Correction Matron	8.00	C-2259	Principal Program Specialist (Correction)	12.00	C-2143	Supervising Parking Enforcement Agent	10.00
C-167	Correction Officer (Men)	8.00	C-618	Prison Guard	8.00	C-782	Supervising Parking Meter Collector	10.00
C-168	Correction Officer (Women)	8.00	C-2462	Private Investigator	10.00	C-2299	Supervising Professional Conduct Investigator	10.00
C-957	Correction Officer Trainee	8.00	C-2577	Probation Assistant	8.00	C-2205	Supervising Security Officer	10.00
C-169	Correction Sergeant	10.00	C-1981	Probation Counselor	10.00	C-1766	Supervising Special Officer	10.00
C-958a	Correction Youth Camp Officer (Men)	8.00	C-980	Probation Consultant	10.00	C-1750	Traffic Control Agent	8.00
C-958b	Correction Youth Camp Officer (Women)	8.00	C-2266	Probation Director	10.00	C-812	Traffic Control Inspector	8.00
C-959	Correctional Treatment Specialist	10.00	C-1428	Probation Employment Officer	10.00	C-2407	Traffic Enforcement Agent	8.00
C-966	Court Officer	8.00	C-981	Probation Investigator	8.00	C-1689	Traffic and Park Officer	8.00
C-1229	Criminal Investigator	8.00	C-619	Probation Officer	8.00	C-1522	Traffic Technician	8.00
C-969	Criminal Law Investigator	8.00	C-1429	Probation Officer Trainee	8.00	C-2335	Traffic Technician I	8.00
C-177	Customs Inspector	8.00	C-2262	Probation Supervisor	10.00	C-2336	Traffic Technician II	10.00
C-1611	Customs Security Officer (Sky Marshal)	8.00	C-1828	Probation Supervisor I	10.00	C-1887	Traffic Technician III	10.00
C-1245	Deputy Medical Examiner	12.00	C-1829	Probation Supervisor II	10.00	C-819	Transit Captain	12.00
C-2263	Deputy Probation Director	10.00	C-620	Process Server	6.00	C-820	Transit Lieutenant	10.00
C-1900	Deputy Probation Director IV	10.00	C-2315	Professional Conduct Investigator	8.00	C-821	Transit Patrolman	8.00
C-204	Deputy Sheriff	8.00	C-1997	Program Specialist (Correction)	10.00	C-822	Transit Sergeant	10.00
C-1763	Deputy Superintendent of Women's Prisons	10.00	C-2397	Protection Agent	8.00	C-823	Treasury Enforcement Agent	8.00
C-1620	Deputy United States Marshal	8.00	C-665	Ranger, U.S. Park Service	8.00	C-852	Uniformed Court Officer	8.00
C-1762	Deputy Warden	10.00	C-1921	Safety Coordinator	8.00	C-1989	United States Park Police Officer	6.00
C-1247	Detective Investigator	10.00	C-1459	Safety Security Officer	8.00	C-1995	Urban Park Officer	8.00
C-2444	Director of Security	10.00	C-702	School Crossing Guard	6.00	C-2541	Urban Park Patrol Sergeant	12.00
C-1877	Director of Traffic Control	10.00	C-1923	School Guard	8.00	C-894	Warden	12.00
C-2325	Director of Youth Bureau	10.00	C-1999	Security Guard	8.00	C-891	Watchman	8.00
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C-1405	Drug Abuse Technician	8.00						
C-1406	Drug Abuse Technician Trainee	8.00						
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C-1612	Federal Protective Officer	8.00						
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C-349	Head Process Server & Court Aide	8.00						
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C-338	Housing Guard	8.00						
C-340	Housing Lieutenant	10.00						
C-342	Housing Patrolman	8.00						
C-344	Housing Sergeant	10.00						
C-361	Identification Clerk	8.00						
C-1986	Identification Officer	8.00						
C-2294	Identification Specialist	8.00						
C-362	Immigration Patrol Inspector	8.00						
C-364	Inspector	8.00						
C-370	Institution Safety Officer	8.00						
C-376	Internal Revenue Agent	10.00						
C-377	Investigator	8.00						
C-378	Investigator-Inspector	8.00						

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Supreme Court Briefs

By AVERY ELIOKIN

The Supreme Court continued to review cases throughout the holiday season and scheduled its fourth oral argument session for this term. The Justices also continued work on full-text plenary decisions, although none were handed down during the holiday season.

What follows are cases before the court in various stages of review involving a former President and former Secretary of State as well as an indigent habitual offender.

Appearing on the Docket

Official Immunity — Wiretapping

Solicitor General Wade H. McCree Jr. has petitioned the Supreme Court for review of two cases in the area of civil immunity for government officials who ordered wiretaps for national security reasons. The cases involve former President Richard Nixon and his one-time Secretary of State, Henry Kissinger.

Formal petitions for certiorari were filed with the Supreme Court after two separate opinions by the Court of Appeals for the District of Columbia held that Nixon and Kissinger were only entitled to qualified immunity for ordering telephone wiretaps.

In the Nixon case the appellate court held that under the Federal wiretap statute, 18 U.S.C. §2510, and following sections, the subjects of an illegal wiretap could recover damages from Federal officials. All that need be shown was that there was no reasonable national security rationale for the surveillance.

The appellate ruling in the Kissinger case went even further in spelling out the liabilities of high government officials who may abuse the powers of their office. According to the fact summary presented in the Court of Appeals decision, the Secretary of State allegedly was involved in ordering a wiretap on a U.S. government official's home telephone. In addition, the Secretary specifically requested continuation of the wiretap after the normal period for such surveillance had run out. Both of these actions were allegedly accomplished without the benefit of a warrant.

Based on these facts, the appellate court found that the \$1.00 in nominal damages assessed against Kissinger did not adequately compensate the government employee for the violation of his constitutional rights. The court stressed that in awarding the damages, the trial court had not taken into account the emotional distress and mental anguish which resulted from the home telephone tap.

In a tactfully worded condemnation of unconstitutional telephone wiretaps ordered by the high government officials, the Court of Appeals noted that the President and governmental officials are entitled "to no more than good faith immunity."

Among the questions raised by the Solicitor General in his petition for review is whether the President and his closest advisors are absolutely immune from personal damage actions arising out of the exercise of presidential authority. Also raised is the question of whether the decision in *United States v. United States District Court* entitles Federal authorities to a qualified immunity for authorizing electronic surveillance for national security purposes. (*Kissinger v. Halpern*, No.

79-880, *Nixon v. Smith*, No. 79-882, petitions for certiorari filed December 7, 1979.)

Oral Argument

Cruel and Unusual Punishment

In a rare action, the Supreme Court has scheduled oral argument on a cruel and unusual punishment challenge based on a non-capital statute. The Eighth Amendment attack focuses on the Texas statute which mandates a life sentence following conviction on a felony if the defendant has two prior felony convictions.

The indigent petitioner in this case was sentenced to life imprisonment follow-

Continued on Page 15

Proposed lawyer ethics code must withstand ABA in-fighting

The American Bar Association has unveiled a proposed new code of ethics for lawyers which centers on certain moral and technical considerations in the attorney/client relationship — issues that promise to spark a heated debate within the legal profession.

Drafted by a special ABA commission after more than two years of argument and compromise, the 40,000-word code was presented earlier this month to a group of specialists in legal ethics who were attending the annual meeting of the Association of American Law Schools. The legal scholars, who met in Phoenix, Arizona, are expected to provide a commentary on the proposal.

According to the New York Times, the final draft of the code will be released at the ABA's midwinter convention in Febru-

ary and will subsequently be the subject of public hearings to be held throughout the nation. The ethical guidelines are reported to have been substantially revised since a preliminary draft of the code was made public last summer, indicating that the commission had problems in hammering out both the code's fundamental premises and its specific components.

One area that has been attended concerns the definition of an attorney's responsibility to represent indigent clients. The current Code of Professional Responsibility, which was adopted in 1969, provides a generalized dictum on the matter, noting that "every lawyer shall support all proper efforts to meet this need."

The preliminary draft of the new code, had called the Rules of Professional Con-

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Solomon sets new standards for the Philadelphia police

Continued from Page 1

was selected as commissioner, Solomon noted that he did not submit an application for his new post, and that he knew little about the procedure, apart from what he had been subjected to. "I feel I was selected after extensive interviews by the managing director and the mayor of many, many candidates, and was chosen as the result of that."

Apparently, Green had done his homework on the city's police force before he chose Solomon. Last month, he attended a special seminar that had been put together by the Citizens Crime Commission of Philadelphia and Temple University's Center for Administration of Justice, which was designed to present the criteria that should be considered in picking a police chief.

Solomon noted that he was "very pleased" with Green's ultimate decision. "There's personal gratification with being selected after so many people had been interviewed [for the post]," he said. "I think that every police officer who starts not walking a beat and rises to police commissioner feels good. We all have that ambition, everyone of us who started that way. I think it's good for the morale of the police department."

Tom Ford, the recording secretary of the Philadelphia Fraternal Order of Police, indicated that Solomon has the full support of his organization. "He's a good man, a quality policeman," Ford said of the new commissioner. "He's been a fair man in the past."

Citing the commissioner's long career in the department, the FOP officer noted that his group is pleased that Green chose a police chief from within the force. "He knows the department," Ford observed. "He knows how good we are and I think we'll get along fine with him."

Meanwhile, the city's black police officer group, the Guardian Civic League, took a slightly different stance on Solomon's appointment. "Commissioner Solo-

mon's [selection] was a surprise to the organization," said Ron Oliver, second vice president of the league. "At this stage, we're adopting a wait-and-see policy to see if he will implement the necessary changes to bring about the structural reform of the Philadelphia Police Department."

While Oliver stated that the new chief has the necessary experience to lead the force, he expressed disappointment that the league's choice for commissioner did not get the nod. "We had suggested someone from within the department who we thought could do the job," he remarked.

Oliver added that he is satisfied that his group's nominee was given adequate consideration by the mayor, although he declined to reveal the name of the unsuccessful candidate.

While the FOP's Ford gave a "good" rating to Joseph O'Neill's service as commissioner, Oliver came down hard on the former chief's work, particularly in his handling of a case involving alleged brutality. We take a rather dismal view of Commissioner O'Neill's tenure, he said. "I think it's fair to bring disciplinary action [against police officers] after the MOVE demonstration of abuse which was witnessed on TV. We can all understand the emotional stress that the officers went through, but to condone it is to do worse than the officers ever did. We felt that it was incumbent upon the leadership to take the high road, not the low road."

In a recent news conference, Solomon pledged that future incidents of brutality "will result in arrest." The new commissioner reportedly was one of 19 officials who were named in a Justice Department lawsuit which charged the City of Philadelphia with condoning widespread police abuse.

However, Solomon made it clear that he would take action to change his department's negative image. "One of my first steps will establish a written policy so that the police and the public will have some guidelines."

representing the other side. A provision states that a lawyer should "represent a client zealously within the bounds of the law" and should not disclose any information that the client deems to be secret.

Speaking to the *Times*, Samuel D. Thurman, a law professor at the University of Utah and a member of the ABA code commission, described the current code's view as "all-out furtherance of the client's position, and the rest of the world be damned."

In the revision, Thurman said, lawyers would be cast in a variety of other, more ambiguous roles, such as adviser, negotiator, intermediary and evaluator. The code is designed to reflect situations in which attorneys are representing corporations in situations where different corporate officers have conflicting interests, and it is unclear who the client actually is.

Similarly, the new rules replace the word "zealous" with "diligent" in describing the proper measure of a lawyer's behavior. They also outline several situations in which the duty to keep a client's secrets should be supplanted by an attorney's obligation to correct misinformation or prevent harm.

DiLeonardi's withdrawal opens Chicago superintendent's race

Continued from Page 1

personal concerns that deserved his attention."

Byrne praised the acting superintendent as "a fine officer," and expressed hope that he would remain with the department, a wish that DiLeonardi will probably grant the mayor.

"He's indicated that he would like to continue his career in the deputy superintendent capacity in the Bureau of Inspectional Services," Saigh said. "That's where he was before he accepted the acting superintendency."

It is unclear, however, whether Joe D., as he is known within the force, will get his old job back. A Chicago police spokesman noted that "it all depends on the mayor and the new superintendent."

In an attempt to contact DiLeonardi directly, the spokesperson stated that the acting chief is "not doing any interviews," but she recounted his statements to the Chicago news establishment.

"He feels that [the job] is too time consuming and too demanding," she said. "He feels he should be spending more time with his family. So for personal reasons, he's pulling his name out of the running."

DiLeonardi's withdrawal presumably puts the top Chicago police job up for grabs. The Reverend Wilbur N. Daniel, president of the Chicago Police Board, told Law Enforcement News that his panel has received over 80 applications for the post.

Daniel declined to say whether DiLeonardi had been Byrne's top choice as permanent police superintendent, but he indicated that the Chicago veteran was seen as a prime candidate by Police Board members.

"I think he had a good chance and I think he's a good man," the board president said. "Of course, every man knows his own desires and his own reasons why he wouldn't like the spot. But I thought that they had a good man there."

The Police Board will now have to find another good man or woman to fill the

superintendent's spot, according to the panel's secretary, Ray Hollander. "The board will consider the candidates and then they submit three names to the mayor," he said in describing the selection process. "The mayor then, by law, selects one of the names. She's not compelled to do so, and if she rejects all three, it's referred back to the board, which will submit three more names, until she selects one."

One of the big questions remaining in the Chicago superintendent's sweepstakes is whether Byrne will select a candidate from outside the department to run the force. Last spring, when the selection process was first put in gear, she had expressed a desire to place Patrick V. Murphy, the president of the Police Foundation, in the superintendent's chair.

The Police Board is keeping the names of the applicants confidential, so it is not known whether Murphy is back in the running. Rev. Daniel did note, however, that a full one-third of the more than 80 applications that got in by the December 31 deadline are from outsiders.

"We have some very good applications from other cities," Daniel said. "They're from top people."

US lawyers play with diverse rules

Continued from Page 3

down prosecutable cases due to their heavy caseloads. The lawmakers also directed the Attorney General to suggest ways of improving the percentage of cases that are prosecuted.

In drawing the guidelines for his district, a U.S. Attorney may consider such overall Justice Department priorities as the prosecution of white-collar crime, but, as a Presidential appointee, he has a relatively free hand in setting his own goals and standards.

Among the key factors typically considered in formulating the criteria are the availability of prosecution at the state or local level, the seriousness of the crime, and the defendant's age, criminal history and connection with a pattern of offenses.

Apparently, less tangible considerations are also taken into account. The report noted that some districts are interested in marijuana possession only if more than 1,000 pounds is involved, while others prosecute in cases involving just a few pounds of the illegal substance.

Robert F. Fiske Jr., the U.S. Attorney for the Southern District of New York, told the *Times* that his office deferred prosecution in certain cases of drug possession, auto theft and bank robbery because the prosecutors know that state and local authorities could prosecute.

Fiske's remarks illustrated how the guidelines can vary between large metropolitan and sparsely populated rural districts. William B. Gray, the U.S. Attorney for Vermont, would most likely prosecute a bank embezzler who stole \$1,500, while Fiske might be inclined to pass on such a case.

Frank M. Tuerkheimer, the U.S. Attorney in Madison, Wisconsin, indicated that the need for guidelines is tied to heavy caseloads. "You don't want to get deluged with rinky-dink cases, but you don't want to let major cases go unprosecuted," he said.

Laying down the law to lawyers...

New ABA guidelines to be hotly debated

Continued from Page 5

duct, called for a professional "tithing" system in which every attorney would be required to give 40 hours a year to indigent representation. However, the final version has dropped the tithing set-up in favor of a self-reporting system designed to encourage individual, voluntary efforts.

While the provision regarding service to the poor is certain to arouse debate when the code is submitted to ABA membership, a larger controversy is expected concerning the code's handling of a more complex matter—a lawyer's obligation to his client as opposed to his responsibility to the public interest.

Guidelines adopted in 1969 place the attorney in the role of advocate for a single, readily identified client, generally in an adversary relationship with a lawyer

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A new mechanism for Federal grants

Excerpts from the Justice System Improvement Act of 1979

PART A — LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Establishment of Law Enforcement Assistance Administration

Sec. 101. There is hereby established within the Department of Justice under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereinafter referred to in this title as the 'Administration'). The Administration shall be under the direction of an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and such other Deputy Administrators as may be designated by the Attorney General. The Administrator shall have final authority over all grants, cooperative agreements, and contracts awarded by the Administration.

Duties and Functions of Administrator

Sec. 102. The Administrator shall —

- (a) provide funds to eligible States and units of local government pursuant to part D of this title;
- (b) recognize national criminal justice priorities established in accordance with parts E and F of this title, inform States and units of local government concerning such priorities and award and allocate funds and technical assistance among the eligible States, units of local government, and public and private nonprofit organizations according to the criteria and on the terms and conditions determined by the Administration to be consistent with parts E and F of this title;
- (c) publish and disseminate information on the condition and progress of the criminal justice system;
- (d) establish and carry on a specific and continuing program of cooperation with the States and units of local government designed to encourage and promote consultation and coordination concerning decisions made by the Administration affecting State and local criminal justice priorities;
- (e) cooperate with and render technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities;
- (f) cooperate with and render technical assistance to States, units of local government, and other public and private organizations or agencies involved in victim-witness assistance activities and the post-arrest identification and prosecution of career criminals;
- (g) provide funds and technical assistance to eligible jurisdictions under this title for the development of operational information and telecommunications systems;
- (h) exercise the powers and functions set out in part H; and
- (i) exercise such other powers and functions as may be vested in the Administrator pursuant to this title.

Office of Community Anti-Crime Programs

Sec. 103. (a) There is established in the Law Enforcement Assistance Administration the Office of Community Anti-Crime Programs (hereinafter in this section referred to as the 'Office'). The Office shall be under the direction of the Administrator and shall —

- (1) provide appropriate technical assistance to community and citizens groups to enable such groups to —
 - (A) apply for grants which encourage community and citizen participation in crime prevention and criminal justice activities;
 - (B) participate in the formula grant application process pursuant to section 402(f) of this title;
 - (C) provide program development and encouragement of neighborhood and community participation in crime prevention and public safety efforts; and
 - (D) implement programs and projects assisted with grants under subsection (b) of this section.
- (2) coordinate its activities with other Federal agencies and programs, including the Community Relations Service of the Department of Justice, which are designed to encourage and assist citizen participation in criminal justice activities;
- (3) provide information on successful programs of citizen and community participation to citizen and community groups;



LEAA Administrator Henry S. Dogin
Will he be kicked upstairs to OJARS?

(4) review, at its discretion, formula grant applications submitted under section 403 of this title in order to assure that the requirements for citizen, neighborhood, and community participation in the application process have been met; and

(5) make recommendations, after consultation with citizen, neighborhood, and community organizations, for funding as national priority grants under part E and discretionary grants under part F.

(b) The Administration is authorized to make grants to be administered by the Office of Community Anti-Crime Programs to community and citizens groups, which grants shall be used —

- (1) to enable the community to engage in a process leading to the identification of problems facing that community with respect to crime or conflicts, disputes, and other problems that might lead to crime;
 - (2) to provide for the consideration by the community of plans to alleviate such problems with special attention to projects that —
 - (A) have been successful in other communities in dealing with the same or similar problems;
 - (B) provide alternatives to the criminal justice system in resolving conflicts and disputes and in repairing the injuries suffered;
 - (C) promote increased citizen participation and confidence in the processes used to resolve conflicts and disputes; and
 - (D) address the social and economic causes of crime.
 - (3) to enable community and citizen groups to participate in assistance programs under this title, but no grant under this section may be used principally to seek technical assistance or a grant under this title;
 - (4) to conduct training of community groups in the management of grants and such other skills as the Office determines are necessary to enhance the involvement of neighborhoods and citizens in community crime prevention and dispute resolution projects; and
 - (5) to carry out projects determined to be likely to alleviate the community's crime problems as identified through the process set forth in this subsection.
- (c) In carrying out the functions under this part the Administrator shall make appropriate provisions for coordination among neighborhoods and for consultation with locally elected officials.

PART B — NATIONAL INSTITUTE OF JUSTICE

National Institute of Justice

Sec. 201. It is the purpose of this part to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of —

- (a) improving Federal, State, and local criminal justice system and related aspects of the civil justice system;
- (b) preventing and reducing crimes;
- (c) insuring citizen access to appropriate dispute-resolution forums;
- (d) improving efforts to detect, investigate, prosecute and otherwise combat and prevent white-collar crime and public corruption; and
- (e) identifying programs of proven effectiveness, programs having a record of proven success, or programs which offer a high probability of improving the functioning of the criminal justice system.

The Institute shall have authority to engage in and encourage research and development to improve and strengthen criminal justice system and related aspects of the civil justice system and to disseminate the results of such efforts to Federal, State, and local governments, to develop alternatives to judicial resolution of disputes, to evaluate the effectiveness of programs funded under this title, to develop new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this title which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated. In carrying out the provisions of this part, the Institute shall give primary emphasis to the problems of State and local justice systems and shall insure that there is a balance between basic and applied research.

Establishment, Duties, and Functions

Sec. 202. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a National Institute of Justice (hereinafter referred to in this part as the 'Institute').

(b) The Institute shall be headed by a Director appointed by the President by and with the advice and consent of the Senate. The Director shall have had experience in justice research. The Director shall have final authority over all grants, cooperative agreements and contracts awarded by the Institute.

(c) The Institute is authorized to —

- (1) make grants to, or enter into cooperative agreements or contracts with, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstrations, or special projects pertaining to the purposes described in this part, and provide technical assistance and training in support of test, demonstrations, and special projects;
- (2) conduct or authorize multi-year and short-term research and development concerning the criminal and civil justice systems in an effort —
 - (A) to identify alternative programs for achieving system goals, including programs authorized by section 103 of this title;
 - (B) to provide more accurate information on the causes and correlates of crime;
 - (C) to analyze the correlates of crime and juvenile delinquency and provide more accurate information on the causes and correlates of crime and juvenile delinquency;
 - (D) to improve the functioning of the criminal justice system;
 - (E) to develop new methods for the prevention and reduction of crime, the prevention and reduction of parental kidnapping, including the development of programs to facilitate cooperation among the States and units of local government, the detection and apprehension of criminals, the expeditious, efficient, and fair disposition of criminal and juvenile delinquency cases, the improvement of police and minority relations, the conduct of research into the problems of victims and witnesses of crime, the feasibility and consequences of allowing victims,

Continued on Page 8

'The Bureau of Justice Statistics is authorized to collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime at the Federal, state and local levels.'

Continued from Page 7

to participate in criminal justice decision-making, the feasibility and desirability of adopting procedures and programs which increase the victim's participation in the criminal justice process, the reduction in the need to seek court resolution of civil disputes, and the development of adequate corrections facilities and effective programs of correction, and

(F) to develop programs and projects to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption.

In carrying out the provisions of this subsection, the Institute may request the assistance of both public and private research agencies;

(3) evaluate the effectiveness of projects or programs carried out under this part;

(4) evaluate, where the Institute deems appropriate, the programs and projects carried out under other parts of this title to determine their impact upon the quality of criminal and civil justice systems and the extent to which they have met or failed to meet the purposes and policies of this title, and disseminate such information to State agencies and, upon request, to units of local government and other public and private organizations and individuals;

(5) make recommendations for action which can be taken by Federal, State and local governments and by private persons and organizations to improve and strengthen criminal and civil justice systems,

(6) provide research fellowships and clinical internships and carry out programs of training and special workshops for the presentations and dissemination of information resulting from research, demonstrations, and special projects including those authorized by this part;

(7) collect and disseminate information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, or private organizations relating to the purposes of this part;

(8) serve as a national and international clearinghouse for the exchange of information with respect to the purposes of this part;

(9) submit an biennial report to the President and Congress on the state of justice research. This report shall describe significant achievements and identify areas needing further study. Other Federal agencies involved in justice research shall assist, upon request, in the preparation of this report;

(10) after consultation with appropriate agencies and officials of States and units of local government, make recommendations for the designation of programs or projects which will be effective in improving the functioning of the criminal justice system, for funding as national priority grants under part E and discretionary grants under part F; and

(11) encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the development, maintenance, and coordination of criminal and civil justice programs and services.

(d) To insure that all criminal and civil justice research is carried out in a coordinated manner, the Director is authorized to —

(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement thereof;

(2) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Institute as required to carry out the purposes of this part;

(4) seek the cooperation of the judicial branches of Federal and State Government in coordinating civil and



Benjamin R. Civiletti

Attorney General will retain funding control.
criminal justice research and development; and

(5) exercise the powers and functions set out in part H.

PART C — BUREAU OF JUSTICE STATISTICS

Bureau of Justice Statistics

Sec. 301. It is the purpose of this part to provide for and encourage the collection and analysis of statistical information concerning crime (including white-collar crime and public corruption), juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime (including crimes against the elderly, white-collar crime, and public corruption), juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this part, the Bureau shall give primary emphasis to the problems of State and local justice systems.

Establishment, Duties, and Functions

Sec. 302. (a) There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this part as 'Bureau').

(b) The Bureau shall be headed by a Director appointed by the President by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau.

(c) The Bureau is authorized to —

(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this part; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and

civil disputes;

(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes and other statistical factors related to crime, civil disputes and juvenile delinquency, in support of national, State, and local justice policy and decision-making;

(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, and local levels;

(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, and local levels;

(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this title;

(9) maintain liaison with the judicial branches of the Federal and State Governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

(10) provide information to the President, the Congress, the judiciary, State and local governments, and the general public or justice statistics;

(11) establish or assist in the establishment of a system to provide State and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

(13) provide financial and technical assistance to the States and units of local government relating to collection, analysis, or dissemination of justice statistics;

(14) maintain liaison with State and local governments and governments of other nations concerning justice statistics;

(15) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

(16) insure conformance with security and privacy regulations issued pursuant to section 818; and

(17) exercise the powers and functions set out in part H.

(d) To insure that all justice statistical collection, analysis and dissemination is carried out in a coordinated manner, the Director is authorized to —

(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(2) confer and cooperate with State, municipal or other local agencies;

(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this title; and

(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records

(e) Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State and local government, including, where appropriate, representatives of the judiciary.

Continued on Page 9

'Formula grants will [fund state and local] programs which are of proven effectiveness, have a record of proven success, or which offer a high probability of improving the functioning of the criminal justice system.'

Continued from Page 8
Use of Data

Sec. 305. Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes.

PART D — FORMULA GRANTS

Description of Program

Sec. 401. (a) It is the purpose of this part to assist States and units of local government in carrying out specific innovative programs which are of proven effectiveness, have a record of proven success, or which offer a high probability of improving the functioning of the criminal justice system. The Administration is authorized to make grants under this part to States and units of local government for the purpose of —

(1) establishing or expanding community and neighborhood programs that enable citizens to undertake initiatives to deal with crime and delinquency;

(2) improving and strengthening law enforcement agencies, as measured by arrest rates, incidence rates, victimization rates, the number of reported crimes, clearance rates, the number of patrol or investigative hours per uniformed officer, or any other appropriate objective measure;

(3) improving the police utilization of community resources through support of joint police-community projects designed to prevent or control neighborhood crime;

(4) disrupting illicit commerce in stolen goods and property and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime;

(5) combating arson;

(6) developing investigations and prosecutions of white collar crime, organized crime, public corruption related offenses, and fraud against the government;

(7) reducing the time between arrest or indictment and disposition of trial;

(8) implementing court reforms;

(9) increasing the use and development of alternatives to the prosecution of selected offenders;

(10) increasing the development and use of alternatives to pretrial detention that assure return to court and a minimization of the risk of danger;

(11) increasing the rate at which prosecutors obtain convictions against habitual, nonstatus offenders;

(12) developing and implementing programs which provide assistance to victims, witnesses, and jurors, including restitution by the offender, programs encouraging victim and witness participation in the criminal justice system, and programs designed to prevent retribution against or intimidation of witnesses by persons charged with or convicted of crimes;

(13) providing competent defense counsel for indigent and eligible low-income persons accused of criminal offenses;

(14) developing projects to identify and meet the needs of drug dependent offenders;

(15) increasing the availability and use of alternatives to maximum-security confinement of convicted offenders who pose no threat to public safety;

(16) reducing the rates of violence among inmates in places of detention and confinement;

(17) improving conditions of detention and confinement in adult and juvenile correctional institutions, as measured by the number of such institutions administering programs meeting accepted standards;

(18) training criminal justice personnel in programs meeting standards recognized by the Administrator;

(19) revision and recodification by States and units of local government of criminal statutes, rules, and procedures and revision of statutes, rules, and regulations governing State and local criminal justice agencies;

(20) coordinating the various components of the criminal justice system to improve the overall operation of the system, establishing criminal justice information systems, and supporting and training of criminal justice personnel;

(21) develop statistical and evaluative systems in States and units of local government which assist the measure-

ment of indicators in each of the areas described in paragraphs (1) through (20);

(22) encouraging the development of pilot and demonstration projects for prison industry programs at the State level with particular emphasis on involving private sector enterprise either as a direct participant in such programs, or as purchasers of goods produced through such programs, and aimed at making inmates self-sufficient, to the extent practicable, in a realistic working environment; and

(23) any other innovative program which is of proven effectiveness, has a record of proven success, or which offers a high probability of improving the functioning of the criminal justice system.

Eligibility

Sec. 402. (b)(1) Each State shall establish or designate and maintain a criminal justice council for —

(A) analyzing the criminal justice problems within the State and establishing priorities based on the analysis;

(B) preparing a comprehensive State application reflecting the statewide goals, objectives, priorities, and projected grant programs;

(C)(i) receiving, reviewing, and approving (or disapproving) applications or amendments submitted by State agencies, the judicial coordinating committee, and units of local government;

(ii) providing financial assistance to these agencies and units according to the criteria of this title and on the terms and conditions established by such council at its discretion; and

(D) receiving, coordinating, reviewing, and monitoring all applications or amendments submitted by State agencies, the judicial coordinating committee, units of local government, and combinations of such units;

(E) preparing an annual report for the Governor and the State legislature;

(F) assisting the Governor, the State legislature, and units of local government upon request in developing new or improved approaches, policies, or legislation designed to improve criminal justice in the State;

(G) developing and publishing information concerning criminal justice in the State;

(H) providing technical assistance upon request to State agencies, community-based crime prevention programs, the judicial coordinating committee, and units of local government in matters relating to improving criminal justice in the State; and

(I) assuring fund accounting, auditing, and evaluation of programs and projects funded under this part to assure compliance with Federal requirements and State law.

PART E — NATIONAL PRIORITY GRANTS

Procedure for Designating National Priority Programs

Sec. 503. (a) The Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration shall periodically and jointly designate national priority programs and projects which through research, demonstration, or evaluation have been shown to be effective or innovative and to have a likely beneficial impact on criminal justice. Such national priorities may include programs and projects designated to improve the comprehensive planning and coordination of State and local criminal justice activities.

PART F — DISCRETIONARY GRANTS

Purpose

Sec. 601. It is the purpose of this part, through the provision of additional Federal financial assistance, to encourage States, units of local government, combinations of such units, or private nonprofit organizations to —

(a) undertake programs and projects, including educational programs, to improve and strengthen the criminal justice system;

(b) improve the comprehensive planning and coordination of State and local criminal justice activities especially coordination between city and county jurisdictions;

(c) provide for the equitable distribution of funds under this title among all segments and components of the criminal justice system;

(d) develop and implement programs and projects to redirect resources so as to improve and expand the

capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption

(e) to support modernization and improvement of State and local court and corrections systems and programs;

(f) to support organized crime programs, programs to prevent and reduce crime in public or private places and programs which are designed to disrupt illicit commerce in stolen goods and property; and

(g) to support community and neighborhood antitime efforts.

PART G — TRAINING AND MANPOWER DEVELOPMENT

Purpose

Sec. 701. It is the purpose of this part to provide for and encourage training, manpower development, and new personnel practices for the purposes of improving the criminal justice system.

Training for Prosecuting Attorneys

Sec. 702. (a) The Administration is authorized to establish and support a training program for prosecuting attorneys from State and local agencies engaged in the prosecution of white-collar and organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against white-collar and organized crime.

Training State and Local Criminal Justice Personnel

Sec. 703. (a) The Administration is authorized —
(1) to assist in conducting local, regional, or national training programs for the training of State and local criminal justice personnel, including but not limited to those engaged in the investigation of crime and apprehension of criminals, community relations, the prosecution, defense, or adjudication of those charged with crime, corrections, rehabilitation, probation, and parole of offenders. Such training activities shall be designed to supplement and improve rather than supplant the training activities of the State and units of general local government and shall not duplicate the training activities of the Federal Bureau of Investigation.

(2) to carry out a program of planning, development, demonstration, and evaluation of training programs for State and local criminal justice personnel;

(3) to assist in conducting programs relating to recruitment, selection, placement, and career development practices of State and local law enforcement and criminal justice personnel, and to assist State and local governments in planning manpower programs for criminal justice; and

(4) to carry out a program of planning, development, demonstration, and evaluation of recruitment, selection, and placement practices.

FBI Training of State and Local Criminal Justice Personnel

Sec. 704. (a) The Director of the Federal Bureau of Investigation is authorized to —

(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel;

(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the

Continued on Page 10

'The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the National Institute of Justice, the Bureau of Justice Statistics and the Law Enforcement Assistance Administration.'

Continued from Page 9

apprehension of criminals. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State unit. Criminal Justice Education Program

Sec. 705. (a) Pursuant to the provisions of subsections (h) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen criminal justice.

(b) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for loans, not exceeding \$2,200 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved to the Administration and leading to degrees or certificates in areas directly related to criminal justice, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a criminal justice agency at the rate of 25 per centum of the total amount of such loan plus interest for each complete year of such service or its equivalent of such service as determined under regulations of the Administration.

(c) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for tuition, books, and fees, not exceeding \$250 per academic quarter or \$400 per semester for any person, for officers of any publicly funded criminal justice agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to criminal justice or an area suitable for persons employed in criminal justice. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of a criminal justice agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to criminal justice or suitable for persons employed in criminal justice, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section as determined under regulations of the Administration.

(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of criminal justice education, including —

(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement and criminal justice, and for law enforcement related courses in public schools;

(2) education and training of faculty members;

(3) strengthening the criminal justice aspects of courses leading to an undergraduate, graduate, or professional degree; and

(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums.

(f) The Administration is authorized to enter into contracts to make, and make payments to institutions of higher education for grants not exceeding \$65 per week to persons enrolled on a full-time basis in undergraduate or graduate degree programs who are accepted for and serve

in full-time internships in criminal justice agencies for not less than eight weeks during any summer recess or for any entire quarter or semester on leave from the degree program.

PART H — ADMINISTRATIVE PROVISIONS

Establishment of Office of Justice Assistance, Research, and Statistics

Sec. 801. (a) There is established within the Department of Justice, under the general authority and policy control of the Attorney General, an Office of Justice Assistance, Research, and Statistics. The chief officer of the Office of Justice Assistance, Research, and Statistics shall be a Director appointed by the President by and with the advice and consent of the Senate.

(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration.

Prohibition of Federal Control Over State and Local Criminal Justice Agencies

Sec. 815. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other criminal justice agency of any State or any political subdivision thereof.

(b) Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration —

(1) to require, or condition the availability or amount of a grant upon the adaption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency, or

(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio system, or other program.

(c)(1) No person in any State shall on the ground of race, color, religion, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.

PART J — FUNDING

Authorization of Appropriations

Sec. 1001. There is authorized to be appropriated to carry out the functions of the Bureau of Justice Statistics \$25,000,000 for the fiscal year ending September 30, 1980; \$25,000,000 for the fiscal year ending September 30, 1981; \$25,000,000 for the fiscal year ending September 30, 1982; and \$25,000,000 for the fiscal year ending September 30, 1983. There is authorized to be appropriated to carry out the functions of the National Institute of Justice \$25,000,000 for the fiscal year ending September 30, 1980; \$25,000,000 for the fiscal year ending September 30, 1981; \$25,000,000 for the fiscal year ending September 30, 1982; and \$25,000,000 for the fiscal year ending September 30, 1983. There is authorized to be appropriated for parts D, E, F, G, H, and J, and for the purposes of carrying out the remaining functions of the Law Enforcement Assistance Administration, other than part L, \$750,000,000 for the fiscal year ending September 30, 1980; \$750,000,000 for the fiscal year ending September 30, 1981; \$750,000,000 for the fiscal year ending September 30, 1982; and \$750,000,000 for the fiscal year ending September 30, 1983. Funds appropriated for any fiscal year may remain available for obligation until expended. There is authorized to be appropriated in each fiscal year such sums as may be necessary to carry out the purposes of part L.

Authorization of Appropriations for Office of Anti-Crime Programs

Sec. 1003. There are authorized to be appropriated for the purposes of carrying out the functions of the Office of Community Anti-Crime Programs \$25,000,000 for the

fiscal year ending September 30, 1980; \$25,000,000 for the fiscal year ending September 30, 1981; \$25,000,000 for the fiscal year ending September 30, 1982; and \$25,000,000 for the fiscal year ending September 30, 1983.

PART L — PUBLIC SAFETY OFFICERS' DEATH BENEFITS

Payments

Sec. 1201. (a) In any case in which the Administration determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Administration shall pay a benefit of \$50,000 as follows:

(1) if there is no surviving child of such officer, to the surviving spouse of such officer;

(2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

(3) if there is no surviving spouse, to the child or children of such officer in equal shares; or

(4) if none of the above, to the dependent parent or parents of such officer in equal shares.

(b) Whenever the Administration determines upon a showing of need and prior to taking final action, that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding \$3,000 to the person entitled to receive a benefit under subsection (a) of this section.

(c) the amount of an interim payment under subsection (b) of this section shall be deducted from the amount of any final benefit paid to such person.

(d) Where there is no final benefit paid, the recipient of any interim payment under subsection (b) of this section shall be liable for repayment of such amount. The Administration may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

Limitations

Sec. 1202. No benefit shall be paid under this part —

(1) if the death was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death;

(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death; or

(3) to any person who would otherwise be entitled to a benefit under this part if such person's actions were a substantial contributing factor to the death of the public safety officer.

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CRIMINAL JUSTICE LIBRARY

We read and review . . .

Bolz book on negotiations holds the reader captive

Hostage Cop, By Frank Bolz and Edward Hershey. New York, Rawson Wade, 1979.

The essence of police work concerns the process of delivering people from evil. The police are not only on the side of the law; they are also on the side of life.

This basic fact is often forgotten. So many newspaper stories about crime describe the police arriving on the scene after serious damage has already been done.

But in recent years the life-saving, life-maintaining aspect of police work has been very much in the news, as exemplified by the hostage-negotiating team program developed by the New York City police.

Two deadly hostage episodes, at Attica in 1971 and at the Munich Olympics in 1972, inspired Patrick V. Murphy, who headed the NYCPD at the time, to order a hostage program for New York City. Not many men applied for this assignment, but among them were Detective Lieutenant Frank Bolz and Police Officer Harvey Schlossberg.

Bolz was 42 years old in 1972 — a seasoned, humane man with a vigorous service record that included stints in the Stake-Out Squad and as an undercover operative. Captain Arthur Freeman was the initial hostage training coordinator, and Bolz and Schlossberg worked with him to organize a guide for handling hostage situations, and to develop a training program for inspectors, captains and all members of the Emergency Services Unit.

At no time, however, was the concept of a special unit trained specifically to handle special hostage situations considered. "Philosophically, the New York City Police Department operated on the theory that each of its 26,000 members should have the ability and training to handle difficult situations," Bolz notes in his book.

This philosophy was reconsidered in the winter of 1973. The seizure of John and Al's Sporting Goods store in Williamsburg, Brooklyn by four armed men and their capture of 14 hostages was terminated only after 47 hours of desperation by the escape of the hostages and the gunmen's surrender. Police calm and restraint during this occasion were praised: the special hostage training received full recognition. By mid-1973, a full-fledged negotiating team was recruited from the Detective Bureau, trained in negotiation and then put on notice to drop everything "and report like Minute Men when a hostage call came," Bolz noted.

The special squad is often referred to as an "anti-terrorist unit." Terrorism is a vague term, when used in this context, however. The pure terrorists of the 1970's were firmly guided, lucidly programmed, highly organized men and women, compared to the trapped, touchy absolutists described in this book who for a few brief hours or days created their own all-powerful worlds, with the police at their beck and call, serving as providers of food and water, and as lay analysts, father confessors, vocational guides and family-relations experts.

Hostage Cop offers wonderful close-ups of the suspense involved in these operations. For instance, John Ferrero, a drug addict with an elaborate gun collection, including a machine gun and hand grenades, barricaded himself in his Brooklyn apartment and started firing shots into a rear courtyard. One of the police officers arriving on the scene, Rainey, a Brooklyn homicide detective, stood at the apartment entrance and offered to bring Ferrero a cup of coffee. What Ferrero did not know was that the coffee container had been deliberately tightly sealed by Bolz so that it



Frank Bolz

would be difficult to open.

Ferrero walked forward, carrying a handgun. He pointed the gun at Rainey with his right hand and knelt to pick up the container with his left. "The detective stood his ground, making no move," Bolz said in describing the incident. "Slowly, Ferrero walked back, stopping about 25 feet away in a rear hallway. But he could not pry the lid off with one hand, and so he placed the gun in his waistband.

"As Ferrero worked the cup lid off, the gun was slipping ever so slowly, down his belt. When Rainey could no longer see any portion of it above Ferrero's waistband, he sprang. It was over in no more than five seconds."

Frank Bolz, as co-author of this book, is a self-effacing man. He lets his team's actions speak for themselves. He indicates that the name of the game is sensibility, that is "the ability of one individual to relate to another's feelings."

In one chapter Bolz quires himself directly and lets his own feeling and conclusions spring to the surface: "You look at Attica, at the death and suffering, and you know that there had to be a better way. There was still room for negotiation. There always is. Some of the inmates may have been willing to die for their cause, but none of them wanted to die. The state could have preserved their lives, as well as the lives of the hostages, by pursuing new avenues of approach or by launching a sneak attack. By cutting off negotiations and openly attacking, the authorities created the worst possible environment for survival."

— John D. Presnan

AN ANTI-CORRUPTION MANUAL FOR ADMINISTRATORS IN LAW ENFORCEMENT

by Richard H. Ward, University of Illinois
and Robert McCormack, John Jay College of Criminal Justice

Corruption has in recent years become a national phenomenon in government and business; to police, it has been an historical and persistent problem. The result of three years of research and study, this book is a manual designed to assist police administrators who wish to create or maintain integrity within a department or agency or must instigate an anti-corruption management program against illegal administrative practices. The authors have attempted to develop a practical manual which provides management techniques and specific advice to be used in eliminating corrupt behavior and in handling political and organizational problems resulting from anti-corruption efforts.

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Please send me _____ copies of *An Anti-Corruption Manual for Administrators in Law Enforcement* at \$4.95 each. Enclosed is my payment in check or money order for \$ _____.

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NCJRS booklets help police act affirmatively in hiring

The National Criminal Justice Reference Service has published two related guides on hiring and recruitment for criminal justice agencies, designed to help personnel administrators adhere to the latest affirmative action regulations.

"General Recruitment Strategies for Criminal Justice Agencies" describes the important legislation and executive orders that can trigger the loss of Federal funds if equal employment opportunity standards are not followed. Suggestions for manpower planning strategies, sources of recruits, work schedules, record keeping, and a minority recruitment model are outlined.

The second publication, "Affirmative Action in the Criminal Justice System," details the steps an agency can take to implement affirmative action plans. Topics include identifying barriers to change, establishing goals and timetables, planning for utilization analysis, internal audits, and grievance procedures.

"An affirmative action program is important for all organizations," an NCJRS

announcement noted, "but criminal justice agencies have a special obligation to make a good faith effort to recruit, hire, and promote qualified persons who have experienced discriminatory practices in the past."

Both publications list a number of resource agencies that can provide technical assistance in setting recruitment standards. The pamphlets can be obtained in camera-ready form for bulk offset reproduction.

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Was Washington an arsonist? Do wooden teeth burn?

(Second of four parts)

By colonial times, arson had become largely a matter of military reprisal, and it continued in this fashion into the 19th century. The times also witnessed an increase in the sporadic outbursts of incendiaries seeking to settle personal grudges

JAY ROBERT NASH'S CRIME JOURNAL

with the torch. Some of the more notorious incidents of arson in this period include:

- **New York City, 1776:** When the British fleet anchored in New York Bay on August 22, 1776, prior to landing an army, General Washington petitioned the Continental Congress for permission to burn the strategic town; he was refused. British soldiers occupied New York on September 16, with many Tory sympathizers among the population greeting them with open arms. Five days later fires broke out all over the city, in what were obvious acts of sabotage. Though Washington feigned ignorance, he undoubtedly had given secret orders for New York to be razed. So devastating were the fires raging through the old city that one-fourth of the town — more than 500 wooden buildings — was obliterated.

Further, when British soldiers raced to church steeples to sound the alarm they found that all the bells had been removed to be melted down into cannons for the rebel troops, and thousands of buckets grabbed up by the British forces were without bottoms. Washington had planned well. Infuriated firecoats actually drove several suspected arsonists into the flames at bayonet point.

- **Moscow, 1812:** Following his triumph over the Russian army at Borodino, Napoleon, entered Moscow at the head of 200,000 troops on September 14. The following day, at the orders of the retreating Russian commanders, the great ancient capital was put to the torch, leaving Bonaparte to occupy a city of ashes and cinders. Almost the entire city — more than 31,000 buildings — was destroyed, with property damage exceeding \$150 million. This "scorched earth" tactic, later used against the Nazis in World War II with devastating effect, contributed greatly to Napoleon's eventual crushing defeat in Russia.

- **Washington, D.C. 1814:** British troops under the command of General Robert Ross took a leaf from George Washington's book on military arson during the War of 1812, setting the American capital on fire on August 24, 1814, when fleeing militiamen dared to fire on them. All of the great buildings — the President's House, the Treasury, the Capitol — were reduced to smoldering ruins.

- **New York City, 1842:** The Tombs prison suddenly caught fire in November, 1842 only a few days before murderer John C. Colt was scheduled to hang. The flames were extinguished but much of the prison was destroyed. Many people, including city officials, suspected arson on the part of Samuel Colt, the famous firearms inventor who had been working on a new explosive. Proof was lacking, however — the eternal problem with all cases of suspected arson. It mattered little since John Colt committed suicide in his cell on November 18, with a knife smuggled into his cell by his childhood sweet-

heart, whom Colt had married hours earlier.

- **St. Louis, 1849:** A disgruntled, unidentified sailor was blamed for the great waterfront fire in St. Louis on the night of May 17, 1849 when flames broke out on board the White Cloud. The blaze quickly spread to the host of wooden vessels moored closely together. Within hours, 25 steamships, all the wharves and 15 square blocks of St. Louis were wrecked, with a total loss of \$4 million. Further, the arsonist's revenge was indirectly more devastating than he could have conceived in that the loss of housing led to more congested living conditions, allowing cholera to reach epidemic proportions and killing scores of townspeople.

- **New York City, 1859:** Another arsonist heaped his hatred upon New York by setting fire to the elegant Crystal Palace on October 5, 1859. The blaze destroyed the greatest museum in the country, wrecking more than \$2 million in precious antiques and works of art as 2,000 persons fled the massive iron and glass structure in panic.

- **New York City, 1863:** The Draft Riots that occurred in July 1863 brought devastation and hundreds of deaths to New York. At the time, thousands of New York men rebelled against conscription into the Union Army and, in acts of mob violence, set many buildings on fire, including the Orphan Asylum for Colored Children. Chief John Decker arrived too late to save the building, although the children had been evacuated only moments before the mob burst through the front door. Rioters seized him, put a rope around his neck and prepared to hang Decker on the spot. The nerveless fireman stared at his would-be executioners and coolly commented: "Gentlemen, do you think you can stop the government's draft by stopping mine?" The clever remark saved his life as the rioters let him go.

- **Atlanta, 1864:** Union General William T. Sherman, after promising the occupants of Atlanta that their city would not be harmed, entered the city on September 2, 1864 as Confederate troops retreated. Sherman ordered that the city be put to the torch on November 15. More than 5,000 homes, churches and businesses, along with the industrial plants Sherman had specifically designated for destruction, went up in smoke.

- **New York City, 1864:** Retaliating against Sherman's fiery March to the Sea, Confederates attempted to burn down New York City on November 25, 1864, setting fire to eleven hotels, two theaters and Bamum's Museum. The damage brought about by these arsonists was minimized by quick-responding volunteer firemen, who put out all the blazes with little loss.

- **Richmond, Virginia, 1865:** Confederate defenders of Richmond decided to burn their city rather than let it fall intact into Union hands. Munition stores, warehouses, bridges and businesses were selected for the torch but the fires got out of hand and spread throughout the residential district. When firemen attempted to put out the fires, citizens, half-berserk with rage over their army's defeat, cut the hoses. Ironically, Union troops entering the city put out the fires, but by then Richmond was in ashes.

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BURDEN'S BEAT

By ORDWAY P. BURDEN

Forensic science: justice in a test tube

The scales of justice shift constantly like the delicate balance between offense and defense in professional football. Sometimes the prosecution seems to be stronger, and then, as is currently the case, the balance shifts toward the defense through court rulings favoring the rights of the accused.

But there are signs that the balance is shifting again, this time from a surprising source. It's the forensic sciences, which have made great strides in recent years. Police laboratories today can use the physical evidence at a crime scene to identify or exonerate suspects with a precision undreamed of a decade ago.

Consider, for example the forensic science of odontology. In child abuse cases and murders with sexual overtones, the victim will very often have bite marks on his or her body. If the marks are clear and are properly photographed by investigators, an odontologist — whose specialty is the structure of teeth — can tell whether a particular suspect was the biter. One of the handful of experts in the field, Dr. Lowell J. Levine, believes that the identification can be as certain as fingerprints. His testimony was crucial in the recent conviction of Theodore Bunnly in Florida for the murders of several young women.

Similarly, a forensic serologist can narrow the field of suspects by sophisticated analyses of bloodstains found at a crime scene. Not long ago, police scientists could do little more than place a blood sample in one of the major groupings. Today serologists can determine with considerable accuracy the sex of the person, his racial grouping and, to some extent, his health. For instance, if the subject had a virus or was taking drugs, medicinal or otherwise, the sample will show it.

One of the techniques in serology is called electrophoresis. The bloodstain is put in a solution compatible with human blood and then in a gel through which an electrical charge is passed. Components of the blood with positive charges go toward the positive pole and vice versa. Enzymes in the blood are also separated by electrophoresis. Through this process, serologists establish sex, race, and health. They also use radioimmunoassay tests to check for drugs in blood, saliva and semen.

Several other sciences have become handmaidens of the police as the general field of forensic sciences has grown. Anthropologists have been able to identify remains at plane crashes and other disasters by examining a mere fragment of a skull. Forensic psychiatry is also of growing importance, and, of course, toxicologists, chemists, and experts on questioned documents and firearms have long played major roles in criminal investigations.

Although forensic sciences have unquestionably made great progress, some experts advise caution. "It's very hard to get money to do the research, and even after thorough research has been done in the best labs, there is still the problem of developing a system for such tests that can be duplicated in crime labs across the country," said Richard H. Fox, chief criminologist of the Ventura Crime Lab in California.

There's the rub. Many experts believe that only about half of the crime labs in the United States are qualified to do sophisticated analyses of physical evidence. Furthermore, some of the agencies with inadequate labs "not only can, but do tell you to go to hell when you suggest that they're not up to par," said one authority.

According to Kenneth Field, executive director of the Forensic Sciences Foundation, state and regional crime labs are becoming increasingly popular, particularly for small law enforcement agencies without their own labs. California was the innovator in this movement, which has been instrumental in upgrading the quality of lab work. Among the current leaders is Stark Ferriss, director of the New York State Police Crime Lab in Albany, Field said.

In the past many police agencies leaned heavily on the Federal Bureau of Investigation for lab work, but those days are ending. Congress cut back funding for this FBI service on grounds that the states should be providing it, and henceforth FBI lab work for municipal, state and regional agencies will be severely curtailed. It appears that state and regional services will have to be expanded to take up the slack.

What's ahead for the forensic sciences? "I think it's greater individualization," said Field. "We can do a lot of things today, but the difficult thing is to point to a particular suspect and be certain he did it. I would like to think that someday we will be able to say, 'That fellow in the brown suit standing at the corner of Oak and 25th Street is your man.'"

Don't hold your breath. On the other hand, though, don't be too surprised if the forensic scientists achieve that millennium.

(Ordway P. Burden invites correspondence to his office at 651 Colonial Blvd., Westwood P.O., Washington Township, NJ 07675.)

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Current job openings in the criminal justice system

Assistant or Associate Professor. The Department of Criminal Justice Sciences at Illinois State University in Normal requires a scholar to teach in the area of law enforcement/criminal justice.

A Ph.D. is required, as is teaching experience and demonstrated research ability. Candidate must meet the school's eligibility requirements for graduate faculty membership. Experience in the criminal justice system is preferred. Salary will be negotiable, determined by credentials.

To apply, send a resume, transcript copy and three letters of reference to: Steven G. Cox, Ph.D., Chairperson, Search Committee, 401 Schroeder Hall, Illinois State University, Normal, IL 61761. Telephone: (309) 436-6849. The deadline date for applications is March 15, 1980.

Assistant Professor. The College of Arts and Sciences of East Tennessee State University is offering a tenure track teaching and research position in its Department of Criminal Justice. Responsibilities will include teaching classes in law enforcement and private security and coordinating field experience programs and faculty research.

A doctorate in criminal justice or a related field is preferred. Individuals holding doctorates in other disciplines should have related research or teaching experience. Salary and rank will be dependent on qualifications. Review of applications will begin on February 1, 1979 and continue until the position is filled.

Send applications to: Personnel Office, East Tennessee State University, P.O. Box 24070A, Johnson City, TN 37601.

Faculty Position. An assistant professor, tenure-track post is available at the University of Louisville's School of Justice Administration. The school offers a BS in correctional administration and participates through the university's Graduate School in an interdisciplinary MS degree program.

Qualifications include a Ph.D. or equivalent in criminal justice or a closely related discipline. Applicants must also have had experience in teaching undergraduate and graduate corrections courses such as introduction to corrections, institutional corrections, non-institutional corrections, correctional rehabilitation and treatment, seminar in problems in corrections, theories of crime and delinquency, administration of corrections, and theoretical foundations of corrections.

Candidates must be able to meet requirement for appointment to the graduate faculty, have demonstrated competency in research and have a substantial record of publications. Successful applicant will work under a 10-month contract, beginning on July 1, 1980.

To apply, submit a comprehensive resume, related credentials, transcripts, and three letters of reference to: Chairman, Faculty Search Committee, School of Justice Administration, University of Louisville, Louisville, KY 40208. The deadline for all submissions is March 1, 1980.

Police Chief. The city of Long Beach, California is seeking an experienced law enforcement executive to head its metropolitan police force.

Minimum requirements include graduation from a recognized college or university. An advanced degree is preferred. Applicants must also have substantial progressive experience in law enforcement administration, several years of which should have been at the chief, assistant chief or deputy chief level. Salary will be commensurate with experience. The current salary for the position is \$46,500. A comprehensive management benefits package will be provided.

Qualified applicants should send their resumes to: John E. Dever, City Manager, City of Long Beach, 13th Floor, City Hall, 333 West Ocean Boulevard, Long Beach, CA 90802. Resumes will be accepted until a sufficient quantity is received from which a selection can be made.

Police Officer. Hickory, North Carolina is recruiting individuals to serve on its police force. Applicants must be at least 20 years of age upon completion of training.

Qualifications include a minimum of two years of college at an accredited institution, the ability to pass the State General Aptitude Test Battery for the police officer position, and the ability to obtain a valid North Carolina driver's license. Candidates must also pass an oral board

examination, a psychological stress evaluation, a psychological interview, and a medical exam. Successful applicants must be willing to relocate to within a thirty-minute drive of the police department and meet or exceed requirements imposed by the North Carolina Criminal Justice Training and Standards Council.

To apply, send a resume and a cover letter to: Lieutenant W. T. Owens, 35 First Street, Northeast, Hickory, NC 28601.

Chief of Police. Cohasset, Massachusetts, a suburban community of 7,900 residents located 25 miles south of Boston, seeks applicants to fill a vacancy after the current chief's retirement in the summer of 1980. The department of 18 officers operates on a budget of \$390,000.

Applicants should have a bachelor's degree in business, public, police, or criminal justice administration or specialized experience qualifying the individual to head the department. Supervisory experience as a law enforcement officer is required. Salary will range from \$20,000 to \$24,000, with other terms subject to negotiation. The post is not civil-service controlled.

Send a letter requesting an application form to: John Benbow, Chairman, Police Chief Selection Committee, 43 Highland Avenue, Cohasset, MA 02025. Filing deadline is January 31, 1980.

Assistant Professor. Pennsylvania State University is offering a tenure-track, full-time, nine-month position which will begin September, 1980. Successful candidate will teach courses in the area of administration of justice.

A Ph.D. in criminal justice, law or a related discipline is required at the time of appointment. Applicants should have demonstrated research competence and be capable of quality teaching at the undergraduate and graduate levels.

A vita, supportive material and three letters of reference should be sent to: Chair, Recruitment Committee, Box N, Administration of Justice, The Pennsylvania State University, University Park, PA 16802. The filing deadline is February 15, 1979.

Assistant or Associate Professor. The Criminal Justice Sciences Department of Illinois State University in Normal prefers an individual with a background in criminal justice administration and organization for this post.

The department has a nine-member faculty and 300 majors. A research center has been established and funding efforts are underway. A proposal for a master's degree program has been approved by the state's Board of Higher Education.

The position requires a Ph.D., teaching experience and demonstrated research abilities. Experience in criminal justice is preferred but not required, however, candidates

must meet eligibility requirements for graduate faculty membership. Salary is negotiable, determined by credentials.

Apply by February 1, 1980 by sending a resume, transcript and three letters of reference to: Steven G. Cox, Ph.D., Chairperson, Search Committee, 401 Schroeder Hall, Illinois State University, Normal, IL 61761.

Criminal Justice Faculty. The School of Public Service at Grand Valley State Colleges in Michigan may have two tenure-track positions to begin in September 1980, depending upon budget approval.

The first post requires a Ph.D. in criminal justice or a related field, with an emphasis on corrections. Specialization in management, planning and policy development is desired.

Responsibilities for both positions include teaching and advising at the baccalaureate and masters level in criminal justice. Salary and rank are open and depending upon qualifications.

Send application, resume and credentials to: Dr. Myron Mast, Acting Director, School of Public Service, Grand Valley State Colleges, Allendale, MI 49401. Application deadline is March 15, 1980.

Instructor. The Police Training Institute at the University of Illinois requires a candidate to provide instruction in a comprehensive program of basic, advanced, specialized and technical law enforcement training. Specific areas of instruction will include breath-alcohol testing, crime prevention, emergency first-aid, law enforcement driving, physical skills and personal defense, and police firearms. The instructor will also be expected to teach other general law enforcement subjects.

Applicants should possess a bachelor's degree, however, a master's degree is desired. Eight years of related law enforcement training experience is also required, including five years of active police experience. Curriculum development experience and research ability is desired.

The position will be offered on a year-to-year contract basis with potential for tenure. The job is available immediately, and rank and salary are open, to be commensurate with education and experience.

Resumes should be sent by February 15, 1980 to: Clifford W. Van Meter, Director, Police Training Institute, University of Illinois, 725 South Wright Street, Room 341, Champaign, IL 61820. Telephone: (217) 333-2337.

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FINAL (POSTMARK) DATE FOR FILING APPLICATION: FEBRUARY 1st, 1980 Send to: Dr. James P. Gifford, Chairman, Director of School Safety Search Committee, Office of the Chancellor, Board of Education, 110 Livingston Street, Room 1028, Brooklyn, New York 11201. An equal opportunity employer.

CHIEF OF POLICE

Ann Arbor, Michigan, population approximately 110,000. Police Department has 180 employees; operating budget of \$5,235,330. Responsibility for operation of Police Department under general direction of City Administrator. Position requires strong leadership, good community relations, extensive knowledge of modern police administration and ability to innovate new programs. Applicants must have law enforcement experience at the administrative or management level. Bachelor's or higher degree in police administration or related field preferred. Police Chief retiring March 1, 1980. Salary \$38,000, liberal fringe benefits. Must be certified or eligible for certification under the Michigan Law Enforcement Officers Training Council Act of 1965.

Apply by February 28, 1980. Send resume to Personnel/Human Rights Department, 100 N. Fifth Ave., P.O. Box 8647, Ann Arbor, Michigan 48107.

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Upcoming Events

February 15, 1980. Understanding and Motivating Personnel Course. Presented by Massachusetts Criminal Justice Training Council, Room 1310, 1 Ashburton Place, Boston, MA 02108.

February 18-28, 1980. Introduction to Police Operations & Leadership. Presented by Lake County Area Vocational Technical Center. For further information, contact Ray Newman, Coordinator, School of Law Enforcement, 2001 Kurt Street, Eustis, FL 32726.

February 25-28, 1980. Security Surveys Course. To be held in Houston by Indiana University's Center for Public Safety Training. Fee: \$275. For more details, contact: Indiana University, Center for Public Safety Training, Harrison Building, Suite 500, 143 West Market Street, Indianapolis, IN 46204.

February 25-29, 1980. Police Records and Communications. To be held in Virginia Beach, Virginia, by the International Association of Chiefs of Police. For further information, contact: International Association of Chiefs of Police, 11 Firstfield Road, Gaithersburg, MD 20760.

February 25-29, 1980. Correctional Officers and Staff Annual Review. Presented by the Massachusetts Criminal Justice Training Council. For more details, see: February 15.

February 25-March 1, 1980. Crime Prevention Theory, Practice and Management. Presented by the National Crime Prevention Institute. For more details, contact: National Crime Prevention Institute, Shelby Campus, Louisville, KY 40202. Telephone: (502) 588-6987.

February 25-March 7, 1980. Crime Prevention Technology and Programming. Presented by the National Crime Prevention Institute. For more details, contact: National Crime Prevention Institute Shelby Campus, University of Louisville, Louisville, KY 40202. Telephone: (502) 588-6987.

February 26-March 7, 1980. Traffic Accident Reconstruction Seminar. To be held in Evanston, Illinois, by Traffic Institute. Fee: \$475. For more details, contact: Registrar, The Traffic Institute, Northwestern University, 555 Clark Street, Evanston, IL 60204.

February 27-29, 1980. Annual Southern Conference on Corrections. To be held at Tallahassee Hilton Hotel, Tallahassee, Florida. Sponsored by the Florida State University School of Criminology. For registration information, please contact: Ms. Maggie Dunaway, Center for Professional Development and Public Service, Hecht House, No. 318, Florida State University, Tallahassee, FL 32306.

February 29, 1980. Seminar: Media and Crisis. Presented by the Criminal Justice Center of John Jay College. To be held in New York City. For more details, contact: Ms. Barbara Natow, John Jay College of Criminal Justice, 444 West 56th Street, New York, N.Y. 10019. Telephone: (212) 247-1602.

February 29-March 2, 1980. Seventh Annual Conference of the Western Society of Criminology. To be held at the Registry Hotel, Newport Beach, California. For more information, contact: Glen Courmoyer, WSC, Criminal Justice Program, San Diego State University, San Diego, CA 92182. Telephone: (714) 265-6224.

March 3-6, 1980. Police Discipline Workshop. To be held in San Diego, California, by the International Association of Chiefs of Police. For more details, see February 25-29.

March 3-7, 1980. Law Enforcement Photography Workshop. Presented by Eastman Kodak Company. To be held in Oak Brook, Illinois. For additional information, contact: Mr. David D. Holtz, Corporate Communications, Eastman Kodak Company, 343 State Street, Rochester, NY 14650.

March 3-7, 1980. Managing Corrections Personnel Program. Presented by the Administration of Justice Program at Pennsylvania State University. For further information, contact: James R. Homer or Edwin J. Donovan, Administration of Justice Program, The Pennsylvania State University, S-203 Henderson Human Development Building, University Park, PA 16802. Telephone: (814) 865-1452.

March 3-7, 1980. Supervision of Personnel Program. Presented by the Center for Criminal Justice, Case Western Reserve Law School. Fee: \$150. For more details, contact: Center for Criminal Justice, Case Western Reserve Law School, Cleveland OH 44106. Telephone: (216) 368-3308.

March 3-14, 1980. Police Traffic Services Management Program. Presented by the Traffic Institute. To be held in Evanston, Illinois. For more details, see: February 26-March 7.

March 9-12, 1980. Crisis Intervention Training Conference: Basic Course. To be held at the Holiday Inn Downtown, in Dallas, Texas. Sponsored by the Southwestern Academy of Crisis Interveners and the University of Dallas. Fee: \$300. For further information, write or call: Dr. James L. Greenstone or Sharon C. Leviton, Southwestern Academy of Crisis Interveners, 8609 Northwest Plaza Drive, Suite 440-A, Dallas, TX 75225. Telephone: (214) 363-4944.

March 10-12, 1980. Managing the Security Function. A program presented by the Administration of Justice Program at Pennsylvania State University. For further information, consult: March 3-7.

March 10-12, 1980. Managing Stress Course. To be held in Washington, D.C., by Theorem Institute. Tuition: \$350. For more details, contact: Theorem Institute, 1782 Technology Drive, San Jose, CA 95112. Telephone: (408) 294-1427.

March 10-21, 1980. Basic Traffic Accident Investigation Program. To be held in Richmond, Virginia by the Transportation Safety Training Center, Virginia Commonwealth University. Fee: \$350. For further information, contact: Transportation Safety Training Center, Virginia Commonwealth University, 806 W. Franklin Street, Richmond, VA 23284.

March 11-13, 1980. Motor Vehicle Theft Seminar. Presented by the Center for Criminal Justice, Case Western Reserve Law School. Fee: \$75. For more details, see: March 3-7.

March 12-14, 1980. Annual Conference of the Academy of Criminal Justice Sciences. To be held in Oklahoma City. For more information contact Ben Menke, Criminal Justice Department, Washington State University, Pullman WA 99163.

March 13-14, 1980. Covert Property Recovery Operation: The Sting Seminar. Presented by the Criminal Justice Center of John Jay College. To be held in New York City. For more details, see: February 29.

March 16-20, 1980. Seventh National Conference on Juvenile Justice. Sponsored by the National Council of Juvenile and Family Court Judges and the National District Attorneys Association. To be held in Orlando, Florida. For further information, contact: National District Attorneys Association, 666 North Lake Shore Drive, Suite 1432, Chicago, IL 60611.

March 17-19, 1980. Computer Planning Course. To be held in Washington, D.C., by Theorem Institute. Tuition: \$350. For more details, see: March 10-12.

March 17-21, 1980. Contemporary Law Enforcement Problems Course. Presented by the Southwestern Legal Foundation. For more information, contact: The South-

western Legal Foundation, P.O. Box 707, Richardson, TX 75080.

March 18-21, 1980. Crisis Intervention Seminar. Presented by the Law Enforcement Institute at the University of Maryland. Fee: \$180. For more details, contact: Jim Leiglar, Program Assistant, Law Enforcement Institute, Training Programs, University of Maryland, University College, Conference and Institutes Division College Park, MD 20742. Telephone: (301) 454-5237.

March 19-21, 1980. National Consultative Conference on Institutional Racism and American Law Enforcement. Presented by Institute for the Study of Contemporary Social Problems. Fee: \$30. For further information, contact: Yvonne Calavan, c/o the Institute for the Study of Contemporary Social Problems, P.O. Box 5745/University Station, Seattle, WA 98105.

March 24-28, 1980. Police Instructor's Course. To be held at the St. Petersburg Junior College by the Florida Institute for Law Enforcement. Fee: \$125. For further information, contact: Florida Institute for Law Enforcement, P.O. Box 13489, St. Petersburg, FL 33733.

March 24-April 11, 1980. Program for Management, Command and Supervisory Personnel. Presented by the New England Institute for Law Enforcement Management, at Babson College in Wellesley, Massachusetts. Fee: \$125. For further information, contact: John T. Howland, P.O. Drawer E, Babson Park, MA 02157. Telephone: (617) 237-4724.

March 31-April 4, 1980. Administration and Management for Small Police Departments Workshop. Presented by The Criminal Justice Training and Education Center. For further information, contact: Andrea Cooper, Criminal Justice Training and Education Center, 1622 Spielhuesel Ave., Toledo, OH 43624.

Supreme Court Briefs...

Continued from Page 5

ing his conviction for obtaining \$120.75 under false pretenses. Previous felony convictions had resulted from passing a forged check in the amount of \$28.36 and presenting a credit card with intent to defraud in the amount of \$80.

On appeal, a three-judge panel of the Fifth Circuit overturned the conviction by a 2-1 vote, holding the sentence to be a violation of the Eighth Amendment. Sitting en banc, the court of Appeals for the Fifth Circuit affirmed the sentence by a 8-6 vote. The en banc decision noted that under the Texas system of accumulating "good time" credits, there was a probable chance for parole which mitigated against the sentence being considered cruel and unusual.

In the written briefs submitted to the Court prior to oral argument, the petitioner contended that Texas law makes only a "negligible contribution to acceptable goals of punishment." The Texas law is also being criticized for its provision of a mandatory life sentence following a third felony conviction. Mitigating evidence, the petitioner contends, is excluded from the sentencing procedure since the judge has no discretion in this area.

The state maintains that the Supreme Court has never set aside a sentence on Eighth Amendment grounds based purely on the sentence's length. The state further

contends that the sentence was proper in view of the fact the defendant has shown himself to be "utterly incapable of conforming his conduct to the norms of civilized society." (*Rummel v. Estelle*, No. 78-6386, oral argument scheduled between January 7-18, 1980.)

Criteria in Sentencing

In another case involving sentencing of a criminal defendant, the Court addressed itself to the question of whether a District Court may consider a defendant's failure to cooperate with the government as a relevant factor in imposing the maximum sentence allowed under the law.

The defendant in this case pleaded guilty to two counts involving the distribution of heroin. Fearing retaliation, the defendant refused to testify against his alleged co-conspirator. The state urged the trial judge to impose the maximum sentence, and two four-year terms, to be served consecutively, were imposed.

The petitioner's primary contention is that the trial court punished him for exercising his Fifth Amendment right against self-incrimination. The state's counter-argument is that a defendant's cooperation with authorities is an appropriate criterion to be included in the sentencing process. (*Roberts v. United States*, No. 78-1793, oral argument scheduled between January 7-18, 1980.)

Sibley pleads innocent; Boone bows out; Bolz advises US; Lamb lets Foose loose

LAW ENFORCEMENT NEWS

January 21, 1980

The Bureau of Alcohol, Tobacco and Firearms recently announced two high-level changes in its investigations division, with Michael J. LaPerch Jr. being named director of investigations for the North Atlantic Region and Robert E. Sanders being appointed as head of investigations for the Midwest Region.

LaPerch, 50, will oversee ATF criminal enforcement activities from New Hampshire to Falls Church, Virginia. A graduate of Fordham University, LaPerch joined the bureau in 1954 and has been special agent in charge of the New York District since 1972.

Sanders, 47, has headed the Chicago district office for the past two years. A 19-year ATF veteran, he will serve as the bureau's chief criminal enforcement official in the 13-state Midwest Region.

Gerald W. Sibley, who was suspended as police chief of East Windsor, Connecticut last month, has pleaded innocent to the charge that he lied to a state investigator.

Sibley's problems began last February, when one of his sergeant's was found asleep at the wheel of a police cruiser in the nearby town of Winsted. Three Winsted police officers testified that Sibley read a police report on the incident which described the sergeant's behavior as abusive, the presence of alcohol in the police car and the sergeant's near arrest for driving under the influence. Sibley had denied that he had seen the report in testifying under oath to a state investigator last August, and he was subsequently arrested on false statement charges after a four-month probe.

Charles Boone, the first black police chief of Gary, Indiana, resigned under fire late last month, shortly after he had been cleared of charges of Federal income tax evasion. Deputy Chief Virgil Motley was appointed to serve as acting police chief until a permanent replacement could be found.

At his second tax evasion trial, which ended in a hung jury, Boone had testified that he was being framed on the charges by Motley. He alleged that the deputy chief and other members of the force were

operating an illegal drug- and gun-selling operation. A city inquiry into the charges is underway.

A 22-year veteran of the Gaty force, Boone declined comment on his reasons for leaving, noting that he was "sincerely appreciative of the confidence in my ability... which Mayor [Richard G.] Hatcher displayed by appointing me the first black chief of police of a major metropolitan city."

The Carter Administration recently got high marks in its handling of the Tehran hostage situation from Captain Frank Bolz, the head of the NYCPD's Hostage Negotiation Team and a recognized expert in negotiating with barricaded persons.

Bolz was one of the first experts called by the State Department to provide suggestions on how the situation could best be dealt with. "Based on the intelligence I have now, what they're doing is the proper thing," he said. "You can't go in there like Entebbe. That would be like trying to get 50 people out of the fourth floor of Macy's on a Friday afternoon. You'd have to be crazy to try it. You can't get in clean and get out clean."

The 49-year-old lawman has negotiated the safe release of hostages in more than 150 cases. He has detailed his experiences in a book entitled *Hostage Cop*, which is scheduled to be released this month.

The chief of the East Conventry Township, Pennsylvania Police Department has been cleared of wrongdoing in the fatal shooting of a man he said attacked him outside his home last Christmas Eve. Chester County District Attorney William H. Lamb announced this month that Chief Robert Foose, 51, had "acted properly, under the circumstances" in the shooting death of Mark Sasser, 28.

Foose suffered a broken nose and a fracture of the bone underneath his right eye in the incident, which was touched off when Sasser ran across the chief's property and then refused to identify himself. Preliminary lab results showed that Sasser was intoxicated at the time of the shooting and that Foose had not been drinking.

Atlanta police plans blasted

Continued from Page 3

rently has. He added that the panel would have more power than the mayor and other city officials now have because it could remove the police chief at its own discretion.

"When one combines an unaccountable commission with an absolute, unchecked authority over the chief, the potential for abuse, rampant politics and bad government is great," Jackson said. "In effect, the chief could be responsive to five bosses rather than only the public safety commissioner, as is presently the case, and he would have to be concerned with the practical and political problems caused by split votes."

Commenting on another provision contained in the proposal, Jackson said that the mayor and 75 percent of the City Council would have to produce a firm cause before any commission member could be replaced.

While Jackson fumed, Representative Pilewicz commented on his city/county survey. He noted that written responses to

his poll by Atlanta residents indicated that they "want some kind of solution and want someone to get them out of the [crime] mess."

A frequent critic of the operation of the Atlanta Police Bureau, former Georgia governor Carl Sanders, noted that the results of the Pilewicz poll were "not entirely unexpected." He contended that city residents feel that there is a need for a different type of police leadership.

The survey left little doubt that crime is on the minds of most of the city dwellers. A total of 83.9 percent said they would favor a 10-day waiting period before a person could purchase a handgun, and about 77.2 percent indicated their support for the re-institution of the death penalty.

Although Pilewicz's polling methods have not been certified as scientific, the legislator claimed at least one past success in conducting a survey. Based on a similar sample, he managed to correctly predict that Fulton County voters would turn down a local-option sales tax.

New products for law enforcement

Items about new or modified products are based on news releases and/or other information received from the manufacturer or distributor. Nothing contained herein should be understood to imply the endorsement of Law Enforcement News.

POLICE CATALOG — G.F. Hare and Son Law Enforcement Supply Depot has published its new catalog which describes the company's line of equipment and supplies for police and security personnel.

Included in the book are such products as belts, holsters, grips, slings, self-defense aids, body armor, trauma kits, cuffs, flashlights, fingerprint and ballistic equipment, and accident aids. Much of the



equipment is produced by some of the country's top manufacturers, including Ace, Bianchi, Kleen Bore, Kolpin, Mustang, ODV, Safariland, Second Six, Smith & Wesson, Streamlight, Tex Shuemaker and Triple K.

Illustrated with large color photos and thorough descriptions, the catalog can be ordered free by calling: (714) 438-2511. Or write: G.F. Hare and Son Law Enforcement Supply Depot, 6200 Yarrow Drive, Carlsbad, CA 92008.

SECURITY CONTROL UNIT — The Dual Action Security Control Center from Western Security Products provides a built-in entry/exit delay, multiple remote control station capability, and both supervised and non-supervised detection loops.

Designated as Model WSP 222, the device contains a separate supervised circuit that allows authorized personnel to enter or leave the protected area without activating an alarm. The entry circuit can be adjusted from 0-90 seconds, while the exit time delay can be set from 0-60 seconds.

Up to four multiple remote control stations may be installed in conjunction with any one application. All detection loops in the WSP 222 are supervised, with jumpers provided to connect to non-supervised circuits. A regular 12-volt DC output is included to power internal motion detection devices.

Housed in an oversized cabinet which provides space for a backup battery and an optional digital communicator, the unit features outputs for dialers, LED indicator lights, a supervised "instant circuit," a 24-hour supervised "emergency circuit," momentary "key switch" arming, and adjustable bell cut-off and auto reset.

Additional information can be obtained by writing: Western Security Products, Inc., 210 West Walnut Street, Compton CA 90220.

STAND BY POWER SYSTEMS — Best Energy Systems has introduced two new

units which can provide emergency both AC and DC current in the event of a power failure.

Engineered to power such equipment as emergency lighting systems, radio communication devices and security systems, the 1,000-watt model B12 and the 2,500 watt BR24 are designed to fill the need for low cost, quickly installed, dependable, automatic stand-by power systems for use in the 100-2,500-watt range.

When a power blackout occurs, the Best systems kick-in to the line to supply a 120-volt AC load while built-in harteries provide DC power. Both models are static, 90 percent efficient DC to AC power inverters, featuring an internal or external float-type battery charger and an internal 25-amp DPDT transfer relay switch.

The units are noiseless, fuel-less, and maintenance-free, and are capable of providing stand-by power in less than 1/25th of a second after commercial current is shut down. Both models are equipped with AC power cords and duplex receptacles for ease of installation. A direct-wire option is also available.

For more information, contact Steve J. Paul, Vice President, Best, Inc., P.O. Box 280, Necedah WI 54646. Toll Free Telephone: (800) 356-5794.

PERIMETER PROTECTION SYSTEM — Stellar Systems is offering a new intrusion detection system that is designed for chain link fence applications, but which is also capable of providing protection when used indoors.

For indoor use, the sensor cable can be zigzagged on walls and ceilings or other structures to detect abnormal pressure or vibrations when a break-in is attempted.

The receiving unit's signal-processing configuration is said to drastically reduce false alarms from natural and random



sources. The sensor cable contributes to the reduction by being insensitive to extraneous vibrations.

Designed to be easy to install, operate and maintain, E-Flex can be used in a series set-up, with a number of receiving units protecting several zones — each of which can be up to 1,000 feet in length.

For complete details, write: Stellar Systems, Inc., 3020 Oleott Street, Santa Clara, CA 95051.

Errata

The headline above the "People & places" column in the last issue of LEN incorrectly identified Lawrence W. Sherman as being affiliated with PERF. He is, in fact, the new research director of the Police Foundation.